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<div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 150px;">JUL 14 2010</div>	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

**LAW OFFICES OF MICHAEL A. HAGEMEYER**

Michael A. Hagemeyer  
Nevada Bar No. 5344  
6094 S. Sandhill Road  
Suite 100  
Las Vegas, Nevada 89120  
Telephone: (702) 891-0022  
Facsimile: (702) 891-0033  
mhagemeyer@aol.com

**OF COUNSEL:**

**MEUERS LAW FIRM, P.L.**

Katy Koestner Esquivel  
5395 Park Central Court  
Naples, FL 34109-5932  
Telephone: (239) 513-9191  
Facsimile: (239) 513-9677  
kesquivel@meuerslawfirm.com  
*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
LAS VEGAS DIVISION**

**MONTEREY MUSHROOMS, INC.,**

**Plaintiff,**

**vs.**

**OASIS CORP. dba ONE OF A KIND  
PRODUCE, MICHELLE R. IOVINO, and  
OASIS TRUCKING,**

**Defendants.**

**Case No.: 2:10-cv-00970**

**PRELIMINARY INJUNCTION ORDER**

Plaintiff's Motion for Preliminary Injunction under the Federal Rules of Civil Procedure 65(a), came before this Court on July 14 2010 at 4:00 p.m., after proper notice was issued. Counsel for the Plaintiff appeared in person. Defendants failed to appear, despite having been properly served with notice of this hearing/Counsel for Defendants appeared in person.

1 On June 21, 2010, Plaintiff commenced the above entitled action against  
2 Defendants Oasis Corp. dba One of A Kind Produce ("One of A Kind Produce")  
3 Michelle R. Iovino and Oasis Trucking, (collectively referred to as the "Defendants"),  
4 seeking to enforce payment from the statutory trust imposed by the Perishable  
5 Agricultural Commodities Act, 1930, as amended, 7 U.S.C. §499e(c)(2) ("PACA"). As  
6 part of its action, the Plaintiff sought injunctive relief against the Defendants to enjoin  
7 and restrain them from violating the provisions of PACA and from dissipating assets  
8 subject to the PACA Trust.

9 On June 29, 2010, on behalf of Plaintiff, the undersigned United States District  
10 Court Judge issued a Temporary Restraining Order enjoining Defendant One of A Kind  
11 Produce, its agents, officers, subsidiaries, assigns, and banking institutions from  
12 alienating, dissipating, paying, or assigning any PACA trust assets, without agreement  
13 of the parties or until further order of this Court, or until said Defendant pays Plaintiff  
14 the sum of \$39,357.05 by cashiers' check or certified check.

15 This Court scheduled a hearing for entry of a Preliminary Injunction, and  
16 ordered the Plaintiff to serve a copy of the TRO on the Defendants.

17 Plaintiff has served copies of the TRO on all Defendants.

18 On July 14, 2010, the hearing on Plaintiff's Motion for Preliminary Injunction  
19 came before this Court.

20 Based upon Plaintiff's pleadings, the testimony and Affidavit of Rebecca Gress,  
21 and the supporting documents, the Court finds that Defendant One of A Kind Produce  
22 purchased \$39,357.05 in perishable agricultural commodities in interstate commerce  
23 from Plaintiff, that Plaintiff provided Defendant One of A Kind Produce proper notice  
24 of intent to preserve trust benefits and that Defendant One of A Kind Produce failed to  
25 pay Plaintiff for the perishable agricultural commodities in violation of PACA, 7 U.S.C.  
26 §499e(c).

1 The Court further finds that Defendants have in fact dissipated the PACA trust  
2 by failing to maintain sufficient "freely available" assets to satisfy Plaintiff's PACA trust  
3 claims.

4 Plaintiff has established that there is sufficient evidence of dissipation of assets  
5 subject to the PACA trust to warrant the relief granted in this order and the Court  
6 concludes that a Preliminary Injunction should be issued.

7 Based on the foregoing, **IT IS HEREBY ORDERED** that:

8 1. One of A Kind Produce and its agents, officers, subsidiaries, assigns,  
9 financial and banking institutions, and all persons in active concert or participation with  
10 them or who receive actual notice of this Order are enjoined and restrained from  
11 dissipating, paying, transferring, assigning or selling any and all assets covered by or  
12 subject to the trust provisions of the PACA without agreement of the parties or until  
13 further order of this Court. Under §499e(c)(2) of PACA, the assets subject to this order  
14 include all of the assets of Defendant One of A Kind Produce, including but not limited  
15 to, any and all bank accounts at any and all financial institutions, including but not  
16 limited to those accounts at unless the Defendants can prove to this Court that a  
17 particular asset is not derived from perishable agricultural commodities, inventories of  
18 food or other products derived from perishable agricultural commodities or receivables  
19 or proceeds from the sale of such commodities or products.

20 2. Plaintiff shall not be required to give security in view of the fact that  
21 Defendant One of A Kind Produce now holds \$39,357.05 of PACA trust assets that  
22 belong to Plaintiff and that this Order merely requires said Defendant to obey the  
23 requirements of PACA.

24 3. Within 48 hours of the entry of this Order, Defendant One of A Kind  
25 Produce shall assign all of its accounts receivable to Plaintiff and deposit and/or deliver  
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1 complete accounts, records and information of all of its accounts receivable to Plaintiff's  
2 counsel subject to those accounts receivable being collected by Plaintiff's counsel.

3 4. Defendant One of A Kind Produce shall endorse any checks made,  
4 endorsed or paid to it which are trust assets and which are in its possession or  
5 obtainable by it at the time of the entry of this Order, or which it obtains or which  
6 become obtainable by it after entry of this Order, and deliver them, within 48 hours of  
7 receipt, to Plaintiff's counsel to be held in trust pending further determination by this  
8 Court as to the distribution of those funds.

9 5. Defendants One of A Kind Produce, Michelle R. Iovino and Oasis  
10 Trucking, shall use their best efforts to cooperate with Plaintiff in any action which  
11 Plaintiff or its counsel may be required to take in collecting the accounts receivable or  
12 other trust assets, including any action at law or equity.

13 6. Immediately after the entry of this Order, Michelle R. Iovino and Oasis  
14 Trucking, shall grant Plaintiff and its counsel, agents or employees, full, complete and  
15 continuing access to all of the books and records of Defendant One of A Kind Produce,  
16 which shall include but not be limited to tax returns, accounts, invoices, ledgers,  
17 computer runs, bank statements and canceled checks relating to One of A Kind Produce  
18 for the purpose of verifying the accounting as ordered by this Court.

19 7. This Order shall be binding upon Defendant One of A Kind Produce, and  
20 its officers (including Michelle R. Iovino and Oasis Trucking), agents, servants,  
21 employees, banking and financial institutions, attorneys, and/or all other persons  
22 acting in concert or participating with it who receive actual notice of this Order.

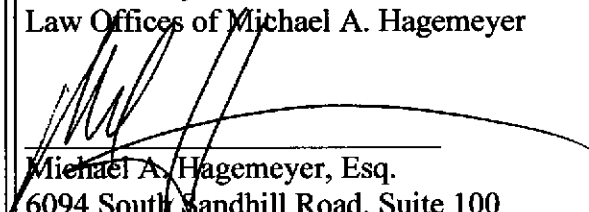
23 8. This Order shall continue in full force and effect, except upon further  
24 Order of this Court.

25 9. This Court shall retain jurisdiction of this action to ensure complete  
26 compliance with the terms of this Order.

1  
2 DONE and ORDERED, this 1st day of July, 2010 at Las Vegas, Nevada.

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4   
5 United States District Judge  
6 sDistrict of Nevada  
7  
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9 Submitted by:  
10 Law Offices of Michael A. Hagemeyer

11   
12 Michael A. Hagemeyer, Esq.  
13 6094 South Sandhill Road, Suite 100  
14 Las Vegas, NV 89120  
15 Attorney for Plaintiff  
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